

House File 4 - Introduced

HOUSE FILE _____
BY HORBACH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing that a child who is ten years of age or older,
2 truant, and refuses to engage in mediation or violates a
3 mediation agreement commits a delinquent act.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1030YH 83
6 kh/nh/8

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1 1 Section 1. Section 232.2, subsection 12, Code 2009, is
1 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. The violation of section 299.6 by a
1 4 child ten years of age or older.
1 5 Sec. 2. Section 232.22, subsection 8, Code 2009, is
1 6 amended to read as follows:
1 7 8. Notwithstanding any other provision of the Code to the
1 8 contrary, a child shall not be placed in detention for a
1 9 violation of section 123.47 or 299.6, or for failure to comply
1 10 with a dispositional order which provides for performance of
1 11 community service for a violation of section 123.47 or 299.6.
1 12 Sec. 3. Section 299.5A, unnumbered paragraph 4, Code 2009,
1 13 is amended to read as follows:
1 14 The school district shall be responsible for monitoring any
1 15 agreements arrived at through mediation. If a parent,
1 16 guardian, or legal or actual custodian, or the child if the
1 17 child is ten years of age or older, refuses to engage in
1 18 mediation or violates a term of the agreement, the matter
1 19 shall be rereferred to the county attorney for prosecution
1 20 under section 299.6. The county attorney's office or the
1 21 mediation service shall require the parent, guardian, or legal
1 22 or actual custodian and the school to pay a fee to help defray
1 23 the administrative cost of mediation services. The county
1 24 attorney's office or the mediation service shall establish a
1 25 sliding scale of fees to be charged parents, guardians, and
1 26 legal or actual custodians based upon ability to pay. A
1 27 parent, guardian, or legal or actual custodian shall not be
1 28 denied the services of a mediator solely because of inability
1 29 to pay the fee.
1 30 Sec. 4. Section 299.6, unnumbered paragraph 1, Code 2009,
1 31 is amended to read as follows:
1 32 Any person who violates a mediation agreement under section
1 33 299.5A, who is referred for prosecution under section 299.5A
1 34 and is convicted of a violation of any of the provisions of
1 35 sections 299.1 through 299.5, who violates any of the
2 1 provisions of sections 299.1 through 299.5, or who refuses to
2 2 participate in mediation under section 299.5A, for a first
2 3 offense, is guilty of a simple misdemeanor. If a child ten
2 4 years of age or older violates a mediation agreement under
2 5 section 299.5A, or refuses to participate in mediation under
2 6 section 299.5A, the child commits a delinquent act under
2 7 chapter 232. However, the child shall not be placed in
2 8 detention under chapter 232 for a violation of section 299.5A.

EXPLANATION

2 9 This bill provides that a child who is 10 years of age or
2 10 older, truant, and refuses to engage in mediation or violates
2 11 a truancy mediation agreement, commits a delinquent act under
2 12 Code chapter 232. However, under the bill, the child shall
2 13 not be placed in detention for truancy or failure to perform
2 14 community service ordered for a truancy violation.
2 15 LSB 1030YH 83
2 16 kh/nh/8
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